

**ENTERED**

March 12, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

SIDNEY LYNCH, §  
§  
Plaintiff, §  
VS. § CIVIL NO. 2:17-CV-305  
§  
LORIE DAVIS, *et al.*, §  
§  
Defendants. §

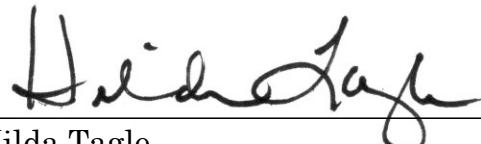
**ORDER**

The Court has before it the Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred (Dkt. No. 10) and Plaintiff’s Objections to the M&R (Dkt. No. 11).

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R (Dkt. No. 10) and **DISMISSES WITH PREJUDICE** Petitioner’s complaint for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). As the Magistrate Judge found, Plaintiff’s challenge necessarily implies the invalidity of his disciplinary conviction, but that conviction has not been set aside. The *Heck* doctrine therefore bars his claims.

This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and the Court therefore **INSTRUCTS** the Clerk of the Court to send notice of this dismissal to the “Manager of the Three Strikes List for the Southern District of Texas” at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov).

SIGNED this 12th day of March, 2018.

  
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Hilda Tagle  
Senior United States District Judge